



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

शिमला, सोमवार, 30 अक्टूबर, 1961/8 कार्तिक, 1883

HIMACHAL PRADESH ADMINISTRATION

LAW DEPARTMENT

NOTIFICATION

Simla-4, the 28th October, 1961

No. 1-18/61-LR.—The Constitution (Amendment) Bill Nos. 9 and 24 of 1961 as introduced in the Lok Sabha, and the Statements of Objects and Reasons are hereby published in the Himachal Pradesh Administration Gazette for the purpose of eliciting opinion thereon. Any person or public body desiring to submit an opinion on the Bills should send the same to the Under Secretary (Judicial) to Himachal Pradesh Administration, Simla for onward transmission to the Lok Sabha Secretariat. The opinion should not be sent direct to the Lok Sabha Secretariat or to any Ministry of the Government of India. The opinion should reach the Under Secretary (Judicial) by the 5th November, 1961.

S. R. MAHANTAN,
Under Secretary (Judicial).

Bill No. 9 of 1961

THE CONSTITUTION (AMENDMENT) BILL, 1961 (As Introduced in Lok Sabha)

A BILL

further to amend the Constitution of India

BE it enacted by Parliament in the Twelfth year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Constitution (Amendment) Act, 1961.

2. *Amendment of Article 226.*—In article 226 of the Constitution, in clause (1), the following proviso shall be added at the end, namely:—

“Provided that nothing in this article shall be deemed to preclude a High Court within whose jurisdiction any cause of action arises from issuing to the Government of India any such direction, order or writ merely on the ground that the seat of that Government is not within the territories in relation to which the High Court exercises jurisdiction.”

STATEMENT OF OBJECTS AND REASONS

Under several decision of the Supreme Court, it has been held that any High Court other than the High Court of Punjab cannot issue any direction order or writ under Article 226 of the Constitution to the Government of India because the seat of the Government of India is not located within the jurisdiction of that High Court. This causes unnecessary hardship to various persons to proceed against the Government of India under that article, even if they have a just grievance. The Law Commission has recommended the removal of this anomaly. Hence this Bill.

NEW DELHI;

The 24th February, 1961.

C. R. PATTABHI RAMAN.

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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226. *Power of High Courts to issue certain writs.*—(1) Notwithstanding anything in article 32, every High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases any Government within those territories directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.

(2) The power conferred on a High Court by clause (1) shall not be in derogation of the power conferred on the Supreme Court by clause (2) of article 32.

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INDUSTRIES DEPARTMENT

NOTIFICATION

Simla-4, the 25th October, 1961

No. I&S. Admn. (Metric)-793/60.—In exercise of the powers conferred by sub-section (3) of section (1), read with clause (i) of section 2, of the Rajasthan Weights and Measures (Enforcements) Act, 1958, as extended to Himachal Pradesh, *vide* Government of India Ministry of Home Affairs, Notification No. F. 8/4/58-I-II (i), dated the 30th September, 1958, the Lieutenant Governor, Himachal Pradesh, hereby appoints the date of publication of this Notification in the Himachal Pradesh Rajpatra as the date on which the provisions of the said Act, in so far as they relate to units of capacity, shall come into force in the Districts of Sirmur and Mandi in Himachal Pradesh.

By order,
T. S. NEGI,
Secretary.